

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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NEW YORK STATE ASSEMBLYWOMAN
DIANA C. RICHARDSON and NEW YORK
STATE SENATOR ZELLENOR Y. MYRIE,

Plaintiff,

v.

JUDGMENT

21-CV-3609 (LDH) (SJB)

THE CITY OF NEW YORK, Mayor BILL de BLASIO;
NYPD Commissioner DERMOT SHEA; NYPD Chief
of Department RODNEY HARRISON, as successor
in interest to TERENCE MONAHAN (retired); and
NYPD Members of the Service JOSEPH B. TAYLOR,
JESSICA CLINTON, GIOVANNI CALDERON,
SOLOMON C. JACOBS, JORGE PEREZ,
MICHAEL KOVALIK, MICHAEL A. CIOTA,
MAX BERMUDEZ, ANDREW VENTRELLA,
ERIC OLFANO, HARRY KERR, and JOHN DOE #1,

Defendants.

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A notice of acceptance of a Rule 68 Offer of Judgment having been filed on June 15, 2023; and defendants, defendants City of New York, Bill De Blasio, Dermot Shea, Rodney Harrison, Joseph B. Taylor, Jessica Clinton, Giovanni Calderon, Solomon Jacobs, Jorge Perez, Michael Kovalik, Michael A. Ciota, Max Bermudez, Andrew Ventrella, Eric Olfano, and Harry Kerr and any defendant who is currently or subsequently named and hereafter represented by the Office of the Corporation Counsel in this action, having offered to allow entry of judgment to be taken against the City of New York and in favor of Plaintiff Diana Richardson for the total sum of Fifteen Thousand and One (\$15,001.00) Dollars, plus reasonable attorney's fees, expenses, and costs to the date of this offer for Plaintiff Diana Richardson's federal claims; it is

ORDERED and ADJUDGED that judgment is entered in favor of Plaintiff Diana Richardson and against defendant the City of New York, for the total sum of Fifteen Thousand and One (\$15,001.00) Dollars, plus reasonable attorney's fees, expenses, and costs to the date of this offer for Plaintiff Diana Richardson's federal claims. This offer is contingent on both plaintiffs (Zellnor Myrie and Diana Richardson) accepting the Rule 68 Offers of Judgment served on February 8, 2023.

This judgment shall be in full satisfaction of all federal and state law claims or rights that Plaintiff Diana Richardson may have to damages, or any other form of relief, arising out of the alleged acts or omissions of defendants or any official, employee, or agent, either past or present, of the City of New York, or any agency thereof, in connection with the facts and circumstances that are the subject of this action.

This offer of judgment may only be accepted by written notice within the time allowed under the Federal Rules of Civil Procedure.

This offer of judgment is made for the purposes specified in Rule 68 of the Federal Rules of Civil Procedure and is not to be construed as an admission of liability by defendants or any official, employee, or agent of the City of New York, or any agency thereof; nor is it an admission that plaintiff has suffered any damages.

Acceptance of this offer of judgment will act to release and discharge defendants the City of New York, Bill De Blasio, Dermot Shea, Rodney Harrison, Joseph B. Taylor, Jessica Clinton, Giovanni Calderon, Solomon Jacobs, Jorge Perez, Michael Kovalik, Michael A. Ciota, Max Bermudez, Andrew Ventrella, Eric Olfano, and Harry Kerr; their successors or assigns; and all past and present officials, employees, representatives, and agents of the City of New York, or

any agency thereof, from any and all claims that were or could have been alleged by Plaintiff Diana Richardson arising out of the facts and circumstances that are the subject of this action.

Acceptance of this offer of judgment also will operate to waive Plaintiff Diana Richardson's rights to any claim for interest on the amount of the judgment.

Plaintiff Diana Richardson agrees that payment of Fifteen Thousand and One (\$15,001.00) Dollars within ninety (90) days of the date of acceptance of the offer shall be a reasonable time for such payment, unless Plaintiff Diana Richardson received medical treatment in connection with the underlying claims in this case for which Medicare has provided, or will provide, payment in full or in part. If Plaintiff Diana Richardson is a Medicare recipient who received medical treatment in connection with the claims in this case, the ninety (90) day period for payment shall start to run from the date Plaintiff Diana Richardson submits to counsel for defendants a final demand letter from Medicare.

By acceptance of this Rule 68 Offer of Judgment, Plaintiff Diana Richardson agrees to resolve any claim that Medicare may have for reimbursement of conditional payments it has made as secondary payer, and a Medicare Set-Aside Trust shall be created, if required by 42 U.S.C. § 1395y(b) and 42 C.F.R. §§ 411.22 through 411.26. Plaintiff Diana Richardson further agrees to hold harmless defendants and all past and present officials, employees, representatives and agents of the City of New York, or any agency thereof, regarding any past and/or future Medicare payments, presently known or unknown, made in connection with this matter.

Dated: Brooklyn, New York
June 22, 2023

Brenna B. Mahoney
Clerk of Court

By: /s/Jalitza Poveda
Deputy Clerk

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